THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

W.P.No.2662 of 1996

Dated 20.3.2006

Between:

M.Raghava Rao … Petitioner.

And

The District Collector, Krishna District

And another. … Respondents.

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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ORDER:

The petitioner challenges the action of the respondents herein, in dispossessing him from the extent of Ac.2.50 cents of land in survey Nos.230 and 212 of Vanukuru village of Penamaluru mandal of Krishna District as illegal, arbitrary and unconstitutional. He seeks a direction to the first respondent to pay damages @ Rs.15,000/- per acre per year and for redelivery of the possession of the said land.

The petitioner states that himself and his forefathers have been rendering service to Sri Someswara Swami Devastanam of that village and in recognition of the same, they were granted the Inam over an extent of Ac.10.10 cents in survey Nos.212 and 230. It is pleaded that consequent upon the abolition of Inams, petitioner was granted ryotwari patta to the entire extent of Ac.10.10 cents. The petitioner contends that the total extent of land in survey No.230 is Ac.3.24 cents and out of it, the petitioner is granted patta over an extent of Ac.2.43 cents and the temple had an extent of Ac.0.81 cents. His complaint is that though the temple owns only 0.81 cents of land, respondents herein have taken possession of the entire land in that survey number for the purpose of providing house sites and paid compensation to the temple authorities.

The respondents filed a counter. They narrated the circumstances that led to the acquisition of the land and payment of compensation there of. It is stated that the land, which was granted patta in favour of the petitioner was not taken over and that only such land which belong to the temple was acquired and compensation was paid.

Heard the learned counsel for the petitioner and the learned Government Pleader for land acquisition.

The grievance of the petitioner is that out of Ac.4.00, which was acquired by the respondents from the Endowments Department, Ac.2.50 cents belongs to him. Since there existed some ambiguity in the counter filed by the respondent, this Court summoned the record. The entire correspondence proceeded as though the land in survey No.230 belonged to temple and after obtaining permission from the Commissioner of Endowments, the respondents paid the compensation and took over the possession of the entire land as well as some extent in neighboring survey No.212.

Even if the contention advanced on behalf of the petitioner is taken on its face value, it emerges that there exists some doubt as to whether the petitioner had absolute right over the said land or the temple was also having any interest in it. Be that as it may, such disputed questions of fact cannot be adjudicated in a writ petition. Section 87 of The A.P. Charitable and Hindu Religious Institutions and Endowments Act 1987 provides for adjudication of such disputes by the Deputy Commissioner of Endowments. Petitioner can avail such remedy and if it is established that the land which was taken over by the respondents, in fact, belongs to him, he can recover the compensation that was paid to the temple authorities or seeks such other remedies as are open to him under law.

Therefore, the writ petition is disposed of leaving it open to the petitioner to work out his remedies under Section 87 of the Endowments Act. If such an application is filed before the Deputy Commissioner of Endowments within two months from today, it shall be entertained as having been filed within limitation.

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20.3.2006.

mdaa.